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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/774,381

02/10/2004

Motoki Kato

247987US

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12/15/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

NOTIFICATION DATE

DELIVERY MODE

12/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/774,381 | <b>Applicant(s)</b><br>KATO ET AL. |  |
|                              | <b>Examiner</b><br>MISHAWN DUNN      | <b>Art Unit</b><br>2621            |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-11 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 2, 6-11, and 14 have been considered but are moot in view of the new ground(s) of rejection.
2. The rejection of claim 14 under U.S.C. 101 has been withdrawn as a result of the applicant's amendment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 8, 9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (US Pub. No. 2004/0047612) in view of Zetts (US Pat. No. 6,738,427).
5. Consider claim 1. Nagata et al. teaches a transport stream recording apparatus comprising: an input unit operable to input a transport packet constituting said transport stream (fig. 10); and a recording unit operable to record said program sequence information along with said transport stream (pg. 7, para. 0120 and pg. 8, para. 0149).  
  
Nagata et al. does not teach a generator operable to generate program sequence information indicative of an interval in which a coding attribute of each video and/or audio elementary stream in said transport stream does not change.

However, Zetts teaches a generator operable to generate program sequence information indicative of an interval in which a coding attribute of each video and/or audio elementary stream in said transport stream does not change (col. 7, lines 22-24).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to generate program sequence information indicative of an interval in which a coding attribute of each video and/or audio elementary stream in said transport stream does not change, in order to maintain the bitrate control of the encoder.

6. Consider claim 2. Nagata et al. teaches a transport stream recording apparatus according to claim 1, wherein said generator generates program sequence information indicative of the sequence of transport packets that includes no PCR\_PID discontinuity (pg. 8, para. 0148).

7. Consider claim 8. Nagata et al. teaches a transport stream recording apparatus according to claim 5, wherein said coding attribute includes audio coding method (pg. 8, para. 0149).

8. Consider claim 9. Nagata et al. teaches a transport stream recording apparatus according to claim 5, wherein said coding attribute includes audio component type (pg. 8, para. 0149).

9. Claims 11 and 14 are rejected using similar reasoning as the corresponding claims above.

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10. Claims 6, 7, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (US Pub. No. 2004/0047612) in view of Zetts (US Pat. No. 6,738,427) in further view of Fukuda et al. (US Pat. No. 6,856,759).

11. Consider claim 6. Nagata et al. and Zetts teach all claimed limitations as stated above, except wherein said coding attribute includes video frame frequency.

However, Fukuda et al. teaches wherein said coding attribute includes video frame frequency (col. 16, lines 9-14).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include video frame frequency in the coding attribute, in order to properly reproduce the video images in a manner that represents the recorded signal.

12. Consider claim 7. Nagata et al. and Zetts teach all claimed limitations as stated above, except wherein said coding attribute includes aspect ratio.

However, Fukuda et al. teaches except wherein said coding attribute includes aspect ratio (col. 16, lines 9-14).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include aspect ratio in the coding attribute, in order to be able to reproduce the signal with the correct aspect ratio.

13. Consider claim 10. Nagata et al. and Zetts teach all claimed limitations as stated above, except wherein said coding attribute includes sampling frequency.

However, Fukuda et al. teaches except wherein said coding attribute includes sampling frequency (col. 16, lines 9-14).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include video sampling frequency in the coding attribute, in order to facilitate the reception of the signal at the receiving end when transmitting data.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/  
Examiner, Art Unit 2621  
December 4, 2008

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621